

## **SCREENING POTENTIAL EMPLOYEES**

The first and most effective means of preventing child abuse is screening out potential abusers before they come to the school. All personnel, staff, teachers, volunteers, and other members of the community whose potential employment or volunteer service involves direct contact with, and/or the potential for unmonitored access to children (including any individuals who regularly provide transportation to children) should be given thorough reference and background checks, including review of criminal and sexual offender records.

Likewise, organizations should require all contractors, vendors and service providers to provide evidence that a background check was completed on any individual sent by the contractor to provide onsite services. Further, when an organization enters into a contractual relationship with an external organization where that external organization will be bringing minor children onto its property, such organizations should be required to provide evidence beforehand that the adults accompanying the minors have undergone the appropriate background and criminal record checks.

Organizations should ideally be able to designate an office responsible, usually Human Resources, for initiating and evaluating the applicants for positions that require background checks. The elements of a comprehensive background check should include:

- A written application and a “statement of suitability” requiring a signature stating that the applicant knows of no reason or prior circumstance that would preclude him/her from working safely with minor children
- A personal interview
- Credential check depending on position being sought
- Reference checks
- Criminal history background check (local, state, multi-state, national, international options depending on where the applicant is coming from and the position being sought). Note: for applicants from the United States, most states require an Authorization Form to be filled out and signed by the applicant before a criminal records check can be accomplished. An online module designed to assist in the pre-employment/volunteer screening process can provide links to the required. For applicants from the United Kingdom you can use this website: <http://www.cobis.org.uk/page.cfm?p=752> forms.
- Sex offender registry check in some Western countries
- Published procedures as to how and by whom criminal history records will be reviewed and evaluated (with criteria for disqualification) – including a description of the appeals process required by law
- A statement that all background screening accomplished by or on behalf of the organization will comply with relevant privacy laws.

Schools should also reserve the right to conduct background screening and make this explicitly clear to employees and volunteers, at any time after employment or volunteer service has begun – and will do so periodically. It should also be made clear to all applicants that any misrepresentations, falsifications, or material omissions in the information provided by the applicant, whenever discovered, may result in disqualification from, or termination of employment or volunteer service with the organization.

In any policy, it will be important to note that unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. In general, if a background check indicates that there is adverse or criminal activity in the applicant's background, the office responsible for screening (i.e., Human Resources or another designated office) can bring the adverse or criminal information to a small "Review Committee" comprised of senior staff for final determination and possible appeal (with criteria for disqualification determined by the organization). In other United States cases, certain types of background checks are accompanied by state-regulated criteria for disqualification that have been predefined.

For example, if a check indicates that the applicant has an adult criminal record it must be reviewed by the school and placed into one of the following three categories:

1. Permanent Disqualification: permanently disqualified from working with children because of the particular criminal offense
2. Presumptive Disqualification: before a determination can be made the school can review additional information and consider:
  - The relevance of the criminal offense to the nature of the employment or volunteer service being sought;
  - The nature of the work to be performed;
  - The seriousness and specific circumstances of the offense;
  - The age of the candidate at the time of the offense;
  - The number of offenses;
  - The length of time since the offense occurred;
  - Whether the applicant has pending charges;
  - Any relevant evidence of rehabilitation or lack thereof;
  - Any other relevant information, including information submitted by the candidate or requested by the hiring authority.
3. Discretionary Disqualification: infraction is minor enough that hiring decision can be left to the discretion of the school.